



Phoenix Community Care Ltd Policy & Procedure

Confidentiality

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CONFIDENTIALITY

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Confidentiality

Reasons for a Confidentiality Policy

This policy should be seen as an integral part of ensuring that Phoenix Community Care (PCC) provides a safe environment where staff and service users are treated with respect. To not put the staff and service user under any harm and to protect their personal lives

The main reasons for producing a policy are:

- to comply with legislation;
- to provide practical guidelines;
- to protect people who benefit from PCC's services and all its staff.

Purpose

The purpose of this policy is to detail the basic standards that PCC should adhere to, and which can be incorporated as part of normal working practice

Statement on Confidentiality

PCC otherwise offers confidentiality. Any sensitive information given will not be passed on except in very rare circumstances where this is necessary to protect a person from harm, or to comply with the law. In such circumstances, the information will only be passed on as permitted in this policy.

This must be confirmed with the Directors and the PCC's Data Protection Manager. Wherever possible and appropriate the person will be informed that this action has been taken.

Legal context

The Human Rights Act 1998 guarantees respect for a person's private and family life, home and correspondence.

The Data Protection Act 1998 (DPA) concerns personal information, which includes facts and opinions about an individual which might identify them. The DPA ensures that information held about any person cannot be used for purposes other than those for which it was originally supplied, without the person's consent. Exceptions to these Acts are allowed where this is necessary to protect a vulnerable person from harm.

Some restricted and specific areas of legislation over-ride the Human Rights Act and the Data Protection Act, for example in the area of suspected terrorist activity or over specific safeguarding concerns.

Directors are legally responsible for all the activities of PCC's staff and may ask for information at any time to ensure that agreed policies are being implemented.

Implementation

PCC will ensure that all volunteers and staff are issued with this policy. This policy will be reviewed regularly.

Confidentiality in Practice

The vast majority of enquiries can be treated in strict confidence. It is not necessary to inform all enquirers of the confidentiality policy as a matter of course, as to do so may be off-putting to those simply seeking information.

However, should the enquirer ask about confidentiality, or indicate that they are about to disclose information of a sensitive and serious nature, they should be made aware of the policy statement on confidentiality. The following easy to read phone statement should be read out in these circumstances:

PCC offers a confidential service. This means that usually, anything you tell the person from PCC will be kept private. But sometimes I may have to 'break confidentiality' – this means telling someone in a position of authority. This is very rare. I only had to do this if someone is in danger, and needs help. I will only tell the people who need to know. Callers have the right to decide what information they choose to share with PCC. Cases should not be discussed in any out-of-work context, even when the enquirer cannot be identified.

No personal details of any member of staff, client or volunteer will be disclosed without their agreement.

Permission must be gained from PCC's Data Protection Officer to ensure compliance before publishing case studies (e.g. for training or information materials). Alternatively, fabricated case studies may be used for these purposes, but in either case details must be sufficiently disguised that the original enquirer cannot be identified.

Informing service users of the confidentiality policy

Any user of the service can see a copy of the confidentiality policy and our privacy policy on the website at this url: <http://www.phoenixcommunity.org/policies>

Exceptions to confidentiality

The only exceptions to complete confidentiality are when:

- The enquirer describes a situation, which raises concerns about the safety of a child or adult.
- The enquirer is in immediate danger, e.g. suicidal.
- The enquirer discloses information about an alleged crime or discloses information that an alleged crime is going to happen.

In the case of concerns about a child or adult in immediate danger, or an enquirer who is in immediate danger themselves, the staff member must call the police by dialing 999 immediately.

In all other cases of concerns about children or adults, the staff member must contact the NSPCC helpline or their local safeguarding children's board and explain the information they have received and follow the advice they are given.

Person who will help you decide what course of action to take.

Any information about any crime or criminal activity must be passed on to the police. In an emergency situation, PCC should contact the police and then notify the Directors as soon as possible. In all other situation Directors should be notified first that an outside service will be contacted, giving details of the situation without identifying information unless absolutely necessary.

Unauthorised breaches of confidentiality

Staff Member who breach these guidelines by communication, dissemination or solicitation of non-essential and/or identifying information about current or former staff, volunteers, service users or enquirers in any way other than authorised above may be asked to cease their role within PCC.